

**EQC ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
NOVEMBER 9, 2006**

BUREAU OF LAND AND WASTE MANAGEMENT

UST Enforcement

- 1) Order Type and Number: Consent Order 06-0557-UST
 Order Date: September 27, 2006
 Respondent: **Lloyds Properties, Incorporated**
 Facility: Lloyds@200
 Location/Mailing Address: 650 Monroe Hwy
 Lancaster, SC 29720

 County: Lancaster
 Previous Orders: None
 Permit/ID Number: 14870
 Violations Cited: UST Control Regulations, R.61-92,
 §280.31(a); R.61-92, §280.34(c).

Summary: Lloyds Properties, Incorporated (Respondent) owns and operates underground storage tanks located at 650 Monroe Highway in Lancaster, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to operate and maintain corrosion protection equipment continuously; and, failure to supply records to the Department upon request.

Action: The Respondent corrected the violations within 30 days and paid the civil penalty of six hundred dollars (**\$600.00**).

- 2) Order Type and Number: Consent Order 06-0592-UST
 Order Date: September 27, 2006
 Respondent: **Spinx Company, Incorporated**
 Facility: Spinx 219
 Location/Mailing Address: 1808 Asheville Hwy
 Spartanburg, SC 29303

 County: Spartanburg
 Previous Orders: None
 Permit/ID Number: 08337
 Violations Cited: UST Control Regulations, R.61-92,
 §280.31(a).

Summary: Spinx Company, Incorporated owns and operates underground storage tanks located at 1808 Asheville Hwy in Spartanburg, South Carolina. The

Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to operate and maintain corrosion protection equipment continuously.

Action: The Respondent has corrected the violations and paid the civil penalty in the amount of three hundred dollars **(\$300.00)**.

- 3) Order Type and Number: Consent Order 06-0616-UST
 Order Date: September 27, 2006
 Respondent: **Ray Thomas Petroleum, Inc.**
 Facility: Corner Stop 4
 Location/Mailing Address: 720 Haynes St.
 Spartanburg, SC 29301
 County: Spartanburg
 Previous Orders: None
 Permit/ID Number: 08600
 Violations Cited: UST Control Regulations, R.61-92,
 §280.40(a).

Summary: Ray Thomas Petroleum Company, Incorporated owns and operates underground storage tanks located at 720 Haynes St. in Spartanburg, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to provide adequate release detection methods.

Action: The Respondent has corrected the violations and paid the civil penalty in the amount of five hundred dollars **(\$500.00)**.

- 4) Order Type and Number: Consent Order 06-0580-UST
 Order Date: September 28, 2006
 Respondent: **Hess Corporation**
 Facility: Hess Station 40261
 Location/Mailing Address: 10148 Two Notch Rd.
 Columbia, SC 29229
 County: Richland
 Previous Orders: 02-2956-UST (\$500); 02-3380-UST
 (\$600); 04-0076-UST (\$2600); 04-
 0886-UST (\$100)
 Permit/ID Number: 11457
 Violations Cited: UST Control Regulations, R.61-92,
 §280.40(a); R.61-92, §280.34(c).

Summary: Hess Corporation (Respondent), a Delaware corporation, owns and operates underground storage tanks located at 10148 Two Notch Road in

Columbia, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to provide an adequate release detection method; and, failure to provide records to the Department upon request.

Action: The Respondent corrected the violation within 30 days and paid the civil penalty of one thousand, one hundred dollars **(\$1,100.00)**.

Solid Waste Enforcement

- 5) Order Type and Number: Consent Order 06-03-MSWM
Order Date: September 7, 2006
Respondent: **Oldcastle Retail, Inc.**
Facility: Marlboro County Mine
Location/Mailing Address: 7772 US Hwy 74E – Box 182A
Lilesville, NC 28091-9734
County: Marlboro
Previous Orders: None
Permit/ID Number: I-00726
Violations Cited: South Carolina Mining Act (Act), S.C. Code Ann. § 48-20-90 (Supp. 2005); Mining Regulations 89-80.B., 89-120.C.(1), and 89-200.C. and D.; and Mine Operating Permit I-00726, Part IV.2.

Summary: Oldcastle Retail, Inc. (Respondent) violated the Mining Act, the Mining Regulations, and the Mine Operating Permit by failing to complete reclamation of the Marlboro County Mine (Site) within two years after termination of mining; by failing to utilize Best Management Practices (BMPs) for Sediment and Erosion Control at the Site; by failing to notify the Department in writing upon exceeding the bonded acreage for the Site; and by failing to file a bond sufficient to cover the amount of disturbed land at the Site.

Action: The Respondent has agreed to: implement BMPs at the Site by October 19, 2006; complete grading, sloping, and seeding at the Site by March 19, 2007; remove the dragline from the Site or submit a timeline for removal of the dragline prior to final closure of the Site by March 19, 2007; submit a plan to incorporate woodlands into the final reclamation by March 19, 2007; reclaim the sand stockpile at the Site by September 19, 2007; and pay a civil penalty of one thousand dollars **(\$1,000.00)**.

- 6) Order Type and Number: Consent Order 06-04-MSWM
Order Date: September 7, 2006
Respondent: **Terry Michael Brock d.b.a.**

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| | Brock's Hauling & Construction |
| <u>Facility:</u> | Unpermitted Mine |
| <u>Location/Mailing Address:</u> | 3849 W. BoBo Newsome Highway Hartsville, SC 29550 |
| <u>County:</u> | Darlington |
| <u>Previous Orders:</u> | None |
| <u>Permit/ID Number:</u> | n/a |
| <u>Violations Cited:</u> | South Carolina Mining Act (Act), S.C. Code Ann. §§ 48-20-60 and 48-20-220 (Supp. 2005). |

Summary: Terry Michael Brock d.b.a. Brock's Hauling & Construction (Respondent) violated the South Carolina Mining Act in that he conducted unpermitted mining activities at a site in Darlington County (Site), and continued mining in violation of the Department's Cease and Desist Order.

Action: The Respondent has agreed to: comply with the Department's Cease and Desist Order until a mining permit to cover the Site has been issued and has become effective; begin reclamation of the Site or submit a technically complete mining permit application package; and pay a civil penalty of two thousand dollars **(\$2,000.00)**.

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| 7) | <u>Order Type and Number:</u> | Consent Order 06-08-SW |
| | <u>Order Date:</u> | September 9, 2006 |
| | <u>Respondent:</u> | Tri-County Investments, LLC |
| | <u>Facility:</u> | Boykin Ridge Mine |
| | <u>Location/Mailing Address:</u> | Zion Rd /4142 Dorchester Rd Dorchester, SC/Charleston, SC 29405 |
| | <u>County:</u> | Dorchester |
| | <u>Previous Orders:</u> | None |
| | <u>Permit/ID Number:</u> | I-01105 |
| | <u>Violations Cited:</u> | South Carolina Solid Waste Policy and Management Act of 1991, Construction, Demolition and Land-Clearing Debris Landfills Regulation, 25A S.C. Ann. Reg. 61-107.11, Part IV, A.8. (Supp. 2005); South Carolina Mining Act, S.C. Code Ann. § 48-20-60 (Supp. 2005), Individual Mine Operating Permit # I-01105; Mining Regulation 89-120.A. |

Summary: Tri-County Investments LLC (Respondent) operates Boykin Ridge Mine in Dorchester County, South Carolina, and is in violation of the South Carolina Solid Waste Policy and Management Act and the South Carolina Mining Act. The Respondent placed land-clearing debris in a backfill slope in an area of active mining without a land-clearing debris permit. The Respondent also placed overburden and backfill materials in the SCE&G right-of-way.

Action: The Respondent must remove the overburden and backfill materials from the SCE&G right-of-way, remove and properly dispose of the

land-clearing debris in the backfill, and pay a civil penalty of three thousand eight hundred dollars **(\$3,800.00)**.

- 8) Order Type and Number: Consent Order 06-10-SW
 Order Date: September 28, 2006
 Respondent: **Warehouse Court, LLC**
 Mr. Mark Ells
 Facility: Unpermitted Wood Chipping
 Facility
 Location/Mailing Address: 115 Fairview Drive
 Greenville, SC 29609
 County: Greenville
 Previous Orders: 04-14-SW
 Permit/ID Number: None
 Violations Cited: South Carolina Solid Waste Policy
 and Management Act of 1991 (Act), 25A S.C. Code Ann. Reg.
 (Regulation) (Supp. 2005) 61-107.4.D.

Summary: Mr. Mark Ells (Respondent's Agent) operated a wood chipping facility on property (Site) owned by Warehouse Court, LLC (Respondent) without an approved registration for the Site.

Action: The Respondent must obtain the appropriate permit/registration prior to any future management of solid waste in South Carolina and pay a civil penalty of three thousand dollars **(\$3,000.00)**.

BUREAU OF WATER

Drinking Water Enforcement

- 9) Order Type and Number: Consent Order 06-141-DW
 Order Date: September 13, 2006
 Respondent: **Monarch at Sea Pines Owners**
 Association, Inc.
 Facility: Marriott Monarch at Sea Pines
 Location/Mailing Address: 3003 Chaucer Dr.
 Charlotte, N.C. 28210
 County: Beaufort
 Previous Orders: None
 Permit/ID Number: 07-253B; 07-186D; 07-187D, 07-
 188D
 Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J)
 and 61-51(K)(1)(d)

Summary: Monarch at Sea Pines Owners Association, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of the swimming pool Permit No. 07-253B; spa Permit No. 07-186D; spa Permit No. 07-187D; and spa Permit No. 07-188D. The Respondent has violated the Public Swimming Pool Regulations as follows: failure to properly operate and maintain the pool and spas.

Action: The Respondent has agreed to: operate and maintain the public swimming pool and spas in accordance with all applicable State laws and regulations and pay a civil penalty in the amount of five thousand forty dollars (**\$5,040.00**).

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| 10) | <u>Order Type and Number:</u> | Consent Order 06-151-DW |
| | <u>Order Date:</u> | September 15, 2006 |
| | <u>Respondent:</u> | Sree-Ecoflo, Inc. |
| | <u>Facility:</u> | Econolodge |
| | <u>Location/Mailing Address:</u> | 5113 Piper Station Dr. Suite 300 Charlotte, N.C. 28277 |
| | <u>County:</u> | Florence |
| | <u>Previous Orders:</u> | None |
| | <u>Permit/ID Number:</u> | 21-101D |
| | <u>Violations Cited:</u> | 24A S.C. Code Ann. Regs. 61-51(J) and 61-51(K)(1)(d) |

Summary: Sree-Ecoflo, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of the spa (Permit No. 21-101D), located at 1811 West Lucas Street, in Florence County, South Carolina. The Respondent has violated the Public Swimming Pool Regulations as follows: failure to properly operate and maintain the spa.

Action: The Respondent has agreed to: operate and maintain the spa in accordance with all applicable State laws and regulations and pay a civil penalty in the amount of one thousand twenty dollars (**\$1,020.00**).

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| 11) | <u>Order Type and Number:</u> | Consent Order 06-158-DW |
| | <u>Order Date:</u> | September 13, 2006 |
| | <u>Respondent:</u> | Larry D. Holloway d/b/a L&D Apartments |
| | <u>Facility:</u> | L&D Apartments |
| | <u>Location/Mailing Address:</u> | 159 Rowe Boys Home Rd. Saluda, S.C. 29138 |
| | <u>County:</u> | Saluda |
| | <u>Previous Orders:</u> | None |
| | <u>Permit/ID Number:</u> | 4170300 |

Violations Cited:
58.5(F)

24A S.C. Code Ann. Regs. 61-

Summary: Larry D. Holloway d/b/a L&D Apartments (Respondent) is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations as follows: exceeded the maximum contaminant level (MCL) for total coliform.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; submit an Investigative Report (IR) to determine the causes of the MCL exceedance; submit a Corrective Action Plan (CAP) to propose how to address the causes; and submit a schedule of implementation for the work. A penalty of two thousand eight hundred dollars (\$2,800.00) is **stipulated** as the Respondent has worked diligently with the Department to remedy the MCL violations

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| 12) | <u>Order Type and Number:</u> | Consent Order 06-159-DW |
| | <u>Order Date:</u> | September 13, 2006 |
| | <u>Respondent:</u> | Howard E. Thomas, Inc. |
| | <u>Facility:</u> | BoBop's BP – Canadys |
| | <u>Location/Mailing Address:</u> | P.O. Box 108 Walterboro, S.C. 29488 |
| | <u>County:</u> | Colleton |
| | <u>Previous Orders:</u> | None |
| | <u>Permit/ID Number:</u> | 1570917 |
| | <u>Violations Cited:</u> | 24A S.C. Code Ann. Regs. 61- 58.5(F) |

Summary: Howard E. Thomas, Inc. (Respondent) is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations as follows: exceeded the maximum contaminant level (MCL) for total coliform.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; submit an Investigative Report (IR) to determine the causes of the MCL exceedance, submit a Corrective Action Plan (CAP) to propose how to address the causes; submit a schedule of implementation for the work; correct system deficiencies; and submit a Business Plan (BP) due to an 'Unsatisfactory' rating on a sanitary survey. A penalty of two thousand eight hundred dollars (\$2,800.00) is **stipulated**.

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| 13) | <u>Order Type and Number:</u> | Consent Order 06-160-DW |
| | <u>Order Date:</u> | September 13, 2006 |

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| <u>Respondent:</u> | Brown's Ferry Water Company, Inc. |
| <u>Facility:</u> | Brown's Ferry Water Company |
| <u>Location/Mailing Address:</u> | 6730 Johnson Road Georgetown, S.C. 29440 |
| <u>County:</u> | Georgetown |
| <u>Previous Orders:</u> | 05-154-DW (\$6,500) 04-120-DW (\$2,880), 04-118-DW (\$850), and 03-223-DW (\$2,400) |
| <u>Permit/ID Number:</u> | 2220003 |
| <u>Violations Cited:</u> | S.C. Code Ann. Regs. 61-58.5(F)(1)(b) (Supp. 2005), 61-58.5(G)(2)(a) (Supp. 2005), 61-58.6(E)(3) (Supp. 2005), and 61-30(G)(2)(a) (Supp. 2005) |

Summary: Brown's Ferry Water Company, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of public water system (PWS) No. 2220003. The Respondent has violated the State Primary Drinking Water Regulations and the Environmental Protection Fees as follows: exceeded the maximum contaminant level (MCL) for total coliform; failure to collect the required number of repeat total coliform samples for the PWS; failure to issue public notice to the customers of the PWS and submit a copy of the notice to the Department; and failure to submit the required State Safe Drinking Water Fees for the PWS for the 2005 and 2006 fiscal years.

Action: The Respondent has been ordered to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; submit for approval a corrective action plan (CAP) that addresses the causes of the MCL exceedances and proposed steps to address those causes; and pay a civil penalty in the amount of eleven thousand two hundred dollars (**\$11,200.00**) in quarterly installments.

Water Pollution Enforcement

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| 14) | <u>Order Type and Number:</u> | Consent Order 06-149-W |
| | <u>Order Date:</u> | September 15, 2006 |
| | <u>Respondent:</u> | City of Darlington |
| | <u>Facility:</u> | Black Creek WWTF |
| | <u>Location/Mailing Address:</u> | P.O. Box 57 Darlington, S.C. 29540 |
| | <u>County:</u> | Darlington |
| | <u>Previous Orders:</u> | 02-038-W (\$0) and 06-042-W (\$4,200) |
| | <u>Permit/ID Number:</u> | SC0039624 |
| | <u>Violations Cited:</u> | S.C. Code Ann. § 48-1-110(d) (Supp. 2005) and 24 S.C. Code Ann. Regs. 61-9.122.41(a) (Supp 2005) |

Summary: The City of Darlington (Respondent) owns and is responsible for the proper operation and maintenance of its Black Creek wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the effluent discharge limits of the National Pollutant Discharge Elimination System (NPDES) Permit for total suspended solids (TSS).

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a corrective action plan (CAP) addressing operational and maintenance techniques to be implemented, including a schedule to perform required maintenance on the rapid sand filtration system; and pay a civil penalty in the amount of one thousand four hundred dollars (**\$1,400.00**). The civil penalty has been paid.

15) Order Type and Number: Consent Order 06-150-W
Order Date: September 15, 2006
Respondent: **City of Sumter**
Facility: Carter Road Sewer Extension
Location/Mailing Address: P.O. Box 1449
Sumter, S.C. 29151
County: Sumter
Previous Orders: None
Permit/ID Number: 30,535-WW
Violations Cited: S.C. Code Ann. § 48-1-110(a)(1)
(Supp.2005), 25 S.C. Code Ann. Regs. 61-67.100(E)(7) (Supp. 2005)

Summary: The City of Sumter (Respondent) is responsible for the construction of a wastewater collection system (WWCS). The Respondent has violated the Pollution Control Act and associated regulations as follows: failed to obtain final approval to operate prior to placing a wastewater collection system (WWCS) into operation.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations and pay a civil penalty in the amount of one thousand six hundred dollars (**\$1,600.00**). The civil penalty has been paid.

16) Order Type and Number: Consent Order of Dismissal 06-152-W
Order Date: August 9, 2006
Respondent: **Win Joseph LLC**
Facility: Win Joseph Tract
Location/Mailing Address: 735 Still Branch Road
Brevard, N.C. 28712
County: Greenville
Previous Orders: None

Permit/ID Number: N/A
Violations Cited: S.C. Code Ann. § 48-1-90(a) (1987); 25 S.C. Code Ann. Regs. 61-68.E (5)(d), (G)(6)(a), (G)(7)(b), (G)(9)(b) and (G)(9)(i) (Supp. 2004), and 24 S.C. Code Ann. Regs. 61-9.122.26 (a)(1)(v) and 61-9.122.26(b)(14)(x) (Supp. 2004)

Summary: Win Joseph LLC (Respondent) is responsible for logging and land-clearing activities on the Win Joseph Tract (Site) located in Greenville County, South Carolina. The Respondent has violated the Pollution Control Act, Water Pollution Control Permit Regulations, and the Water Classifications and Standards as follows: discharged deleterious material into the environment, including waters of the State and initiated land disturbing activities without a permit from the Department.

Action: The Respondent has agreed to: pay a civil penalty in the amount of twelve thousand five hundred dollars (**\$12,500.00**). The civil penalty has been paid.

17) Order Type and Number: Consent Order 06-153-W
Order Date: September 22, 2006
Respondent: **Southeastern Capital, LLC**
Facility: Advance Auto Facility
Location/Mailing Address: 25 Woods Lake Road
Greenville, S.C. 29607
County: Spartanburg
Previous Orders: None
Permit/ID Number: 30906-WW
Violations Cited: S.C. Code Ann. § 48-1-110(a)(3) (Supp. 2005) and 24 S.C. Ann. Regs. 61-9.122.41(a)(2) (Supp. 2005)

Summary: Southeastern Capital, LLC (Respondent) is responsible for the proper operation and maintenance of a wastewater collection system (WWCS). The Respondent has violated the Pollution Control Act and associated regulations as follows: failed to obtain approval prior to placing a WWCS into operation.

Action: The Respondent has agreed to: pay a civil penalty in the amount of one thousand four hundred dollars (**\$1,400.00**).

18) Order Type and Number: Consent Order 06-154-W
Order Date: September 22, 2006
Respondent: **Western Carolina Regional Sewer Authority**
Facility: Lower Reedy River WWTF
Location/Mailing Address: 561 Mauldin Road

Greenville, S.C. 29607
County: Greenville
Previous Orders: None in last five years
Permit/ID Number: SC0024261
Violations Cited: S.C. Code Ann. § 48-1-110(d)
(Supp. 2005) and 24 S.C. Code Ann. Regs. 61-9.122.41(a) (supp 2005)

Summary: Western Carolina Regional Sewer Authority (Respondent) owns and is responsible for the proper operation and maintenance of the Lower Reedy River wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act as follows: failed to comply with the effluent discharge limits of the National Pollutant Discharge Elimination System (NPDES) Permit for fecal coliform bacteria (Fecal).

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations and pay a civil penalty in the amount of four thousand two hundred dollars (**\$4,200.00**). The civil penalty has been paid.

19) Order Type and Number: Consent Order 06-155-W
Order Date: September 22, 2006
Respondent: **Clendenin Lumber Company**
Facility: Clendenin Lumber Company
Location/Mailing Address: P.O. Box 49069
Greenwood, S.C. 29649
County: Greenwood
Previous Orders: None
Permit/ID Number: SC0048356
Violations Cited: S.C. Code Ann. § 48-1-110(d)
(Supp. 2005), 24 S.C. Code Ann. Regs. 61-9.122.41(a) (Supp 2005) and
61-9.122.41(l)(4) (Supp. 2005)

Summary: Clendenin Lumber Company (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act as follows: failed to perform routine monitoring of the effluent from its WWTF and failed to submit administratively complete discharge monitoring reports in accordance with the requirements of its National Pollutant Discharge Elimination System (NPDES) Permit.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit updated standard operating procedures (SOP) for the WWTF; and pay a civil penalty in the amount of three thousand six hundred eighty dollars (**\$3,680.00**). The civil penalty has been paid.

20) Order Type and Number: Consent Order 06-157-W
 Order Date: September 13, 2006
 Respondent: **Johnny Martin d/b/a**
 Pee Dee Timber Company
 Facility: Jimmy Grimmes Property
 Location/Mailing Address: P.O. Box 441
 Latta, S.C. 29565
 County: Marion
 Previous Orders: None
 Permit/ID Number: None
 Violations Cited: S.C. Code Ann. § 48-1-90(a) (1987)

Summary: The Respondent is responsible for silviculture activities at the Jimmy Grimmes Property (Site). The Respondent has violated the Pollution Control Act and associated regulations as follows: failed to maintain the Streamside Management Zone (SMZ) and failed to stabilize the road and decking through the SMZ resulting in the discharge of sediment and logging debris into the stream.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; attend a SMZ class offered by the State Forestry Commission for Site stabilization; and pay a civil penalty in the amount of three thousand two hundred dollars (**\$3,200.00**) in monthly installments.

21) Order Type and Number: Consent Order 06-161-W
 Order Date: September 15, 2006
 Respondent: **Darlington County Water & Sewer**
 Authority
 Facility: Swift Creek WWTF
 Location/Mailing Address: P.O. Box 968
 Darlington, S.C. 29540
 County: Darlington
 Previous Orders: 01-134-W (\$9,800)
 Permit/ID Number: SC0043231
 Violations Cited: S.C. Code Ann. § 48-1-110(d)
 (Supp. 2005) and 24 S.C. Code Ann. Regs. 61-9.122.21(d)(1) (Supp 2005)

Summary: Darlington County Water and Sewer Authority (Respondent) owns and is responsible for the proper operation and maintenance of its Swift Creek wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: failed to submit an administratively complete application for renewal of its National Pollutant Discharge Elimination System (NPDES) Permit at least 180 days prior to the expiration date of the existing permit.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; continue to operate and maintain its WWTF in accordance with the most recently issued NPDES Permit until a new NPDES Permit becomes effective; and pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**).

22) Order Type and Number: Consent Order 06-164-W
 Order Date: September 15, 2006
 Respondent: **Town of Pamplico**
 Facility: Town of Pamplico WWTF
 Location/Mailing Address: P.O. Box 296
 Pamplico, S.C. 29583

 County: Florence
 Previous Orders: None
 Permit/ID Number: SC0021351
 Violations Cited: S.C. Code Ann. § 48-1-110(d) and
 24 S.C. Code Ann. Regs. 61-9.122.41(a)(1) (Supp.2005)

Summary: The Town of Pamplico (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act and associated regulations as follows: failed to comply with the effluent limits for biochemical oxygen demand (BOD), biochemical oxygen demand percent removal (BOD%), total residual chlorine (TRC), dissolved oxygen (DO), fecal coliform (FC), flow, ammonia nitrogen (NH₃-N), total suspended solids (TSS), and pH and failed to comply with the schedule for upgrade of the WWTF required in Amended Consent Order 96-017-W.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; by November 1, 2006 and every 180 days until this Order is closed, submit a progress report of the WWTF upgrade; by November 15, 2006, award a contract for the construction of facilities necessary to upgrade the WWTF; by December 1, 2006, begin construction of the WWTF upgrade; and submit a Financial Plan (FP) for the operation and maintenance of the WWTF. The Department assesses a civil penalty in the amount of sixty thousand dollars (**\$60,000.00**), but the penalty was **suspended** due to financial circumstances. The Respondent shall pay to the Department a **stipulated** penalty in the amount of ten thousand dollars (**\$10,000.00**) per violation of the Order until such time as the upgrades are approved for operation by the Department.

23) Order Type and Number: Consent Order 06-166-W
 Order Date: September 22, 2006
 Respondent: **Del Webb Communities, Inc**
 Facility: Sun City Hilton Head Phase 6

Location/Mailing Address: 15 Sgt. William Jasper Blvd.
Bluffton, S.C. 29909
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-05-08-09
Violations Cited: S.C. Code Ann. § 48-14-90 (a)
(1987) and 25 S.C. Code Ann. Regs. 61-68(E)(5)(d) and (G)(10)
(Supp.2005)

Summary: Del Webb Communities, Inc. (Respondent) owns and is responsible for development and construction activity at Sun City Hilton Head Phase 6 (Site). Total disturbed acreage at the Site is approximately 405 acres. The Respondent has violated the Pollution Control Act and associated regulations as follows: discharged sediment into the environment in a manner other than in compliance with the permit and failed to keep waters of the State free from deleterious materials that interfere with classified and/or existing water uses.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a report, certifying that implementation of the necessary storm water and sediment control devices are complete and in accordance with the approved plans and specifications; and pay a civil penalty in the amount of twenty-eight thousand two hundred dollars **(\$28,200.00)**.

24) Order Type and Number: Consent Order 06-169-W
Order Date: September 22, 2006
Respondent: **Town of Williston**
Facility: Rosemary Creek WWTF
Location/Mailing Address: P.O. Box 414
Williston, S.C. 29853
County: Barnwell
Previous Orders: 02-267-W (\$4,000 suspended)
Permit/ID Number: ND0063061
Violations Cited: S.C. Code Ann. § 48-1-110(d)
(Supp. 2005) and 24 S.C. Ann. Regs. 61-9.122.41(a)(1) (Supp. 2005)

Summary: The Town of Williston (Respondent) owns and is responsible for the proper operation and maintenance of the Rosemary Creek wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act and associated regulations as follows: failed to comply with the permitted discharge limits for fecal coliform (FC) bacteria and biochemical oxygen demand (BOD) as specified in the Land Application Discharge (LAD) Permit.

Action: The Respondent has agreed to: submit a corrective action plan (CAP) addressing compliance with FC and BOD limits; the CAP shall include an implementation schedule, which upon Department approval, shall be incorporated

into and become an enforceable part of this Order; and pay a civil penalty in the amount of four thousand two hundred dollars (\$4,200.00) in quarterly installments.

- 25) Order Type and Number: Consent Order 06-170-W
 Order Date: September 22, 2006
 Respondent: **Town of Blacksburg**
 Facility: Canoe Creek WWTF
 Location/Mailing Address: P.O. Box 487
 Blacksburg, S.C. 29702

 County: Cherokee
 Previous Orders: 02-251-W (\$6,400)
 Permit/ID Number: SC0047457
 Violations Cited: S.C. Code Ann. § 48-1-110(d)
 (Supp. 2005) and 24 S.C. Ann. Regs. 61-9.122.41(a)(1) and (e) (Supp.
 2005)

Summary: The Town of Blacksburg (Respondent) owns and is responsible for the operation and maintenance of the Canoe Creek wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act and associated regulations as follows: failed to comply with the effluent limits for biochemical oxygen demand (BOD), as specified in its National Pollutant Discharge Elimination System (NPDES) Permit.

Action: The Respondent has agreed to: within 180 days of the execution date of this Order, if the BOD problem has not been resolved, or if the Respondent should violate the BOD permit limit, submit 3 copies of a corrective action plan (CAP) detailing standard operation and maintenance procedures which will be implemented to prevent effluent violations and pay a civil penalty in the amount of four thousand dollars (\$4,000.00) in quarterly installments.

- 26) Order Type and Number: Consent Order of Dismissal 06-171-W
 Order Date: September 27, 2006
 Respondent: **Nancy Ott**
 Facility: Nancy Ott Property
 Location/Mailing Address: 1136 Woodland Avenue
 West Columbia, S.C. 29269

 County: Lexington
 Previous Orders: 05-125-W (\$20,000)
 Permit/ID Number: Unpermitted
 Violations Cited: S.C. Code Ann. § 48-1-90(a) (1987),
 25 S.C. Code Ann. Regs. 61-68.E (5)(d) and (G)(10)(b) (Supp. 2004), and
 24 S.C. Code Ann. Regs. 61-9.122.26 (a)(1) (Supp. 2004)

Summary: Nancy Ott (Respondent) owns and is responsible for the proper operation and maintenance of the Ott Borrow Pit (Site). The Respondent has violated the Pollution Control Act, Water Classifications and Standards, and the Water Pollution Control Permit Regulations as follows: discharged deleterious materials into the environment, including waters of the State, in a manner other than in compliance with a permit; operated a Borrow Pit without the appropriate permits or approvals; and failed to keep waters of the State free of deleterious materials which are harmful to aquatic life and/or interfere with classified or existing uses.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a remediation plan; install all necessary storm water sediment and erosion control measures; submit an engineers report certifying that the Site is stabilized; submit final plans and an application for a permit for coverage under the National Pollutant Discharge Elimination System (NPDES) Permit for construction activities; and pay a civil penalty in the amount of five thousand dollars (**\$5,000.00**) in quarterly installments. This Order also contains a **suspended** penalty of fifteen thousand dollars (\$15,000.00) and a **stipulated** penalty of ten thousand dollars (\$10,000.00).

BUREAU OF AIR QUALITY

27) Order Type and Number: Consent Order 06-047-A
Order Date: September 6, 2006
Respondent: **Morley Environmental, Inc.**
Facility: Morley Environmental, Inc.
Location/Mailing Address: 7560 Industrial Ct
Alpharetta, GA 30004
County: Richland
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: South Carolina Air Pollution Control
Regulation 61-86.1, Section III.A.2, Section IV.B.9. Section IV.C.3.b.,
and Section V.D.1.a.(12).

Summary: Morley Environmental, Inc. (Respondent), is a licensed asbestos abatement contractor. The Respondent violated State asbestos regulations as follows: failed to ensure every contractor, supervisor, and worker engaged in an asbestos project had a current and valid license; failed to ensure that at least one supervisor licensed pursuant to Department Asbestos Regulations remained inside each contained work area supervising the work; failed to construct a five-stage decontamination enclosure system including a shower room containing hot and cold or warm running water controllable at the tap; and failed to filter contaminated water and discharge to a sanitary system.

Action: The Respondent has agreed to: ensure that every contractor, supervisor, and worker engaged in an asbestos project has a current and valid license; ensure that at least one supervisor licensed pursuant to Department Asbestos Regulations remains inside each contained work area supervising the work; construct a five-stage decontamination enclosure system including a shower room containing hot and cold or warm running water controllable at the tap; filter contaminated water and discharge to a sanitary sewer system; and pay a civil penalty in the amount of six thousand eight hundred dollars **(\$6,800.00)**. The penalty has been paid.

28) Order Type and Number: Consent Order 06-051-A
Order Date: September 6, 2006
Respondent: **Taylor Brothers Construction Co Inc.**
Facility: Taylor Brothers Construction Co Inc.
Location/Mailing Address: 2201 Atlas Rd
Columbia, SC 29209
County: Richland
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: U.S. EPA 40 CFR 61.145(b)(3)(i),
and South Carolina Air Pollution Control Regulation 61-86.1,
Sections XIII.B.1.a. and IV.B.5.

Summary: Taylor Brothers Construction Company, Inc. (Respondent), is a construction company. The Respondent violated Federal and State regulations as follows: failed to provide the Department with written notice of intent to demolish a building at least 10 working days prior to the demolition; and failed to obtain an asbestos project license from the Department prior to beginning demolition of the building.

Action: The Respondent has agreed to: provide the Department with written notice of intent to demolish any regulated building or structure at least 10 working days prior to the demolition; obtain an asbestos project license from the Department prior to beginning demolition of any regulated building or structure; and pay a civil penalty in the amount of four thousand dollars **(\$4,000.00)**.

29) Order Type and Number: Consent Order 06-052-A
Order Date: September 6, 2006
Respondent: **Jaws, Inc. of the Grand Strand**
Facility: Jaws, Inc. of the Grand Strand
Location/Mailing Address: PO Box 50725
Myrtle Beach, SC 29579
County: Lexington
Previous Orders: None

Permit/ID Number: 9900-0415
Violations Cited: U.S. EPA 40 CFR 60.7(a)(1) and (a)(3) and South Carolina Air Pollution Control Regulation 61-62.60 - Subpart A; U.S. EPA 40 CFR 60.8(a) and South Carolina Air Pollution Control Regulation 61-62.60 - Subpart A; and South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements.

Summary: Jaws, Inc. of the Grand Strand (Respondent) owns and operates a portable crushing operation. The Respondent violated Federal and State regulations as follows: failed to submit notification of the dates of construction and actual startup of the crushing operation; failed to conduct a performance test to demonstrate compliance with applicable opacity limits; and failed to submit a written request to the Department to obtain an operating permit prior to operating the crushing operation.

Action: The Respondent has agreed to: submit applicable notifications; apply for and obtain the required Department-issued permits prior to installing and operating sources of air contaminants; and pay a civil penalty in the amount of six thousand dollars (**\$6,000.00**) payable in three (3) equal payments of two thousand dollars (\$2,000.00) each. The first payment has been paid.

30) Order Type and Number: Consent Order 06-053-A
Order Date: September 12, 2006
Respondent: **Southeastern Soil Recovery, Inc.**
Facility: Southeastern Soil Recovery, Inc.
Location/Mailing Address: PO Box 70253
Charleston, SC 29340
County: Charleston
Previous Orders: None
Permit/ID Number: 9900-0018
Violations Cited: South Carolina Air Pollution Control Regulation 61-62.5, Standard No. 4 and S.C. Code Ann. §48-1-90(a)

Summary: Southeastern Soil Recovery, Inc. (Respondent), located in Charleston, South Carolina, operates a soil remediation facility. The Respondent has violated the South Carolina Pollution Control Act as follows: the Respondent failed to limit its opacity to 40 %.

Action: The Respondent has agreed to: henceforth operate and maintain its facility such that it is in compliance with the applicable opacity limit of 40% and pay a civil penalty in the amount of two thousand five hundred dollars (**\$2,500.00**). The penalty has been paid.

31) Order Type and Number: Consent Order 06-054 -A

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| <u>Order Date:</u> | September 12, 2006 |
| <u>Respondent:</u> | Core Molding Technologies, Inc. |
| <u>Facility:</u> | Core Molding Technologies, Inc. |
| <u>Location/Mailing Address:</u> | 24 Commerce Dr Gaffney, SC 29340 |
| <u>County:</u> | Cherokee |
| <u>Previous Orders:</u> | None |
| <u>Permit/ID Number:</u> | TV-0600-0068 |
| <u>Violations Cited:</u> | U.S. EPA Regulation 40 CFR 70.6(a)(3) and S.C. Code Ann. §48-1-110(d) |

Summary: Core Molding Technologies, Inc. (Respondent), located in Gaffney, South Carolina, produces molded fiberglass reinforced plastic parts for the heavy-duty truck industry and for personal watercraft. The Respondent has violated U.S. EPA Regulations and the South Carolina Pollution Control Act as follows: the Respondent failed to submit to the Department and U.S. EPA its TVACC detailing its compliance status with the terms of its Title V permit for the period covered by the certification or submit to the Department its semi-annual report for the reporting period ending June 30, 2006.

Action: The Respondent submitted a revised and accurate TVACC. In addition, the Respondent has agreed to: henceforth submit to the Department and U.S. EPA a complete and accurate TVACC within 45 days of the end of each reporting period, within 15 days of the execution of this order submit to the Department the semi-annual report for the reporting period ending June 30, 2006, and pay a civil penalty in the amount of five thousand dollars (**\$5,000.00**).

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| 32) | <u>Order Type and Number:</u> | Consent Order 06-055-A |
| | <u>Order Date:</u> | September 12, 2006 |
| | <u>Respondent:</u> | Action Abatement, Inc. |
| | <u>Facility:</u> | Action Abatement, Inc. |
| | <u>Location/Mailing Address:</u> | 327 Cypress Gardens Rd PO Box 1235 Moncks Corner, SC 29461 |
| | <u>County:</u> | Orangeburg |
| | <u>Previous Orders:</u> | None |
| | <u>Permit/ID Number:</u> | N/A |
| | <u>Violations Cited:</u> | U.S. EPA 40 CFR 61.145 and South Carolina Air Pollution Control Regulation 61-86.1, Section IV.B. |

Summary: Action Abatement, Inc. (Respondent), located in Moncks Corner, South Carolina, is a licensed asbestos abatement contractor. The Respondent violated U.S. EPA Regulations and South Carolina Air Pollution Control Regulations as follows: failure to ensure that an asbestos survey was

conducted on a regulated structure and failure to obtain a project license prior to commencement of demolition.

Action: The Respondent has agreed to obtain a Department-issued asbestos project license within 15 days of the execution date of this Order for the demolition of the regulated structure previously located at 843 Goff Avenue in Orangeburg, SC; henceforth ensure that an asbestos survey is conducted prior to beginning a demolition operation at a regulated facility; henceforth obtain an asbestos project license from the Department prior to beginning any demolition asbestos project subject to the regulation; and pay a civil penalty in the amount of four thousand dollars **(\$4,000.00)**.

33) Order Type and Number: Consent Order 06-056-A
 Order Date: September 12, 2006
 Respondent: **Devro, Inc.**
 Facility: Devro, Inc.
 Location/Mailing Address: PO Box 11925
 Columbia, SC 29211
 County: Calhoun
 Previous Orders: 01-008-A (\$18,000.00)
 Permit/ID Number: TV-0460-0003
 Violations Cited: South Carolina Air Pollution Control
 Regulation 61-62.5, Standard No. 1, Section I.B., and S.C. Code Ann. §
 48-1-90(a)

Summary: Devro, Inc. (Respondent), located in Sandy Run, South Carolina, produces edible collagen casings used in the food industry. The Respondent violated South Carolina Air Pollution Control Regulations as follows: it discharged smoke from the boiler, which exceeded an opacity of 20%.

Action: The Respondent has agreed to henceforth operate and maintain the boiler such that it does not produce smoke, which exceeds opacity of 20%, except during times of startup, shutdown, and soot blowing; and pay a civil penalty in the amount of eight thousand dollars **(\$8,000.00)**. The penalty has been paid.

34) Order Type and Number: Consent Order 06-057-A
 Order Date: September 12, 2006
 Respondent: **Farrer and Sons Landscaping, Inc.**
 Facility: Farrer and Sons Landscaping, Inc.
 Location/Mailing Address: PO Box 12
 Graniteville, SC 29829
 County: Aiken
 Previous Orders: None

Permit/ID Number: N/A
Violations Cited: South Carolina Air Pollution Control
Regulation 61-62.2, Prohibition of Open Burning

Summary: Farrer and Sons Landscaping, Inc. (Respondent), located in Vaucluse, South Carolina, is a commercial landscaping contractor. The Respondent violated South Carolina Air Pollution Control Regulations as follows: burned land-clearing debris within 1,000 feet of a residential site, an action prohibited by the Department's Open Burning Regulations.

Action: The Respondent has agreed to henceforth cease open burning except in accordance with South Carolina Air Pollution Control Regulations and pay a civil penalty in the amount of one thousand five hundred dollars (**\$1,500.00**), which is suspended provided the Respondent complies with the stipulation provided in the Order.

35) Order Type and Number: Consent Order 06-058-A
Order Date: September 12, 2006
Respondent: **S & S Disposal, Inc.**
Facility: S & S Disposal, Inc.
Location/Mailing Address: 3221 Lowcountry Hwy
PO Box 38
Ehrhardt, SC 29081
County: Bamberg
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: South Carolina Air Pollution Control
Regulation 61-62.2, Prohibition of Open Burning

Summary: S & S Disposal, Inc. (Respondent), located in Ehrhardt, South Carolina, is a commercial waste disposal contractor. The Respondent violated South Carolina Air Pollution Control Regulations as follows: burned materials prohibited by the Department's Open Burning Regulations, including household garbage and demolition debris; failed to ensure that an asbestos survey was conducted on the regulated structures prior to their demolition; failed to provide the Department with written notice of intent to demolish at least 10 working days prior to the demolition and pay all applicable fees; failed to obtain a project license prior to commencement of the demolition.

Action: The Respondent has agreed to henceforth cease open burning except in accordance with South Carolina Air Pollution Control Regulations; obtain asbestos project licenses for the demolition of the regulated structures and pay any associated fees; henceforth ensure that an asbestos survey is conducted by a licensed inspector prior to beginning a demolition of a regulated facility; henceforth provide the Department with written notice of intent to demolish at

least 10 working days in advance of a demolition of a regulated structure and pay all applicable fees; henceforth obtain an asbestos project license from the Department prior to beginning any demolition asbestos project; and pay a civil penalty in the amount of four thousand dollars **(\$4,000.00)**, payable in two monthly payments of two thousand dollars (\$2,000.00).

36) Order Type and Number: 06- 059-A
 Order Date: September 13, 2006
 Respondent: **Appalachian Engineered Floors, Inc.**
 Facility: Appalachian Engineered Floors, Inc.
 Location/Mailing Address: Fairfax Facility
 County: PO Box 1155
 Previous Orders: Clinton, SC 29325
 Permit/ID Number: Allendale
 Violations Cited: None
 Violations Cited: 0160-0019
 Violations Cited: U.S. EPA 40 CFR 52 and South
 Violations Cited: Carolina Air Pollution Control Regulation 61-62.5, Standard No. 7,
 Violations Cited: Prevention of Significant Deterioration, South Carolina Air Pollution
 Violations Cited: Control Regulation 61-62.5, Standard No. 4, Emissions From Process
 Violations Cited: Industries, and South Carolina Air Pollution Control Regulation 61-62.1,
 Violations Cited: Section II, Permit Requirements

Summary: Appalachian Engineered Floors, Inc. (Respondent) located in Fairfax, South Carolina, manufactures hardwood flooring from raw lumber. The Respondent has violated the Federal regulations and South Carolina Air Pollution Control Regulations, as follows: it exceeded the State particulate matter (PM) emissions limit as installed and operated; failed to obtain a construction permit from the Department and failed to submit a written request for an operating permit to the Department prior to installing and operating the wood-flooring operation; and failed to complete a prevention of significant deterioration (PSD) review or obtain a permit containing federally enforceable limits established to avoid the requirements of PSD. The Respondent has installed a control device to comply with the State PM emissions limit.

Action: The Respondent has agreed to: henceforth obtain required Department-issued permits or exemptions prior to installing, altering, or modifying any source of air contaminants, including the installation of any additional or different control device; henceforth submit a written request to the Department to obtain an operating permit at least fifteen (15) days prior to placing any new, increased, or altered source into operation; and pay to the Department a civil penalty in the amount of sixty thousand dollars **(\$60,000.00)**.

37) Order Type and Number: Consent Order 06-061-A
Order Date: September 22, 2006
Respondent: **GAF Materials Corp**
Facility: GAF Materials Corp
Location/Mailing Address: 902 Old Richburg Rd
Chester, SC 29706
County: Chester
Previous Orders: None
Permit/ID Number: 0640-0009
Violations Cited: U.S. EPA 40 CFR 63.2984(a)(1) and 63.3000(c)(5), and South Carolina Air Pollution Control Regulation 61-62.63 - Subpart HHHH; S.C. Code Ann 48-1-110(d); and South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements

Summary: GAF Materials Corporation (Respondent) owns and operates a facility that manufactures glass fiber mat as a substrate for roofing material. The Respondent violated Federal and State regulations and State statutes as follows: operated its regenerative thermal oxidizer (RTO) such that it failed to meet the required minimum operating temperature during numerous 3-hour block periods that occurred during the reporting period of July 1 through December 31, 2005; failed to include all deviations from operating limits in its Semiannual Compliance Report for the reporting period of July 1 through December 31, 2005; and failed to obtain a construction permit from the Department prior to installing two new air makeup heaters.

Action: The Respondent has agreed to: operate its RTO such that it meets the required minimum operating temperature; include all deviations from operating limits in its applicable compliance reports; apply for and obtain the required Department-issued permits prior to installing and operating sources of air contaminants; and pay a civil penalty in the amount of twelve thousand dollars (\$12,000.00).

38) Order Type and Number: Consent Order 06-062-A
Order Date: September 28, 2006
Respondent: **Mitsubishi Polyester Film, Inc.**
Facility: Mitsubishi Polyester Film, Inc.
Location/Mailing Address: 2001 Hood Rd
PO Box 1400
Greer, SC 29652
County: Greenville
Previous Orders: None
Permit/ID Number: TV-1200-0026
Violations Cited: U.S. EPA 40 CFR 63.1335, U.S. EPA 40 CFR 63.8070(b), and S.C. Code Ann. § 48-1-110(d).

Summary: Mitsubishi Polyester Film, Inc. (Respondent), located in Greer, South Carolina, manufactures polyester resin and film. The Respondent violated U.S. EPA and South Carolina Air Pollution Control Regulations as follows: failure to submit an initial notification of the applicability of Subpart HHHHH to its operation no later than April 9, 2004; failure to submit required semiannual reports for the reporting periods ending June 18, 2004, and December 20, 2004, in a timely manner; failure to submit to the Department a TVACC for the reporting periods ending June 30, 2003, June 30, 2004, and June 30, 2005, in a timely manner; failure to submit a complete and accurate TVACC for the reporting period ending June 30, 2005; failure to submit the semiannual VOC emission report for the period ending December 31, 2004, in a timely manner; failure to submit required semiannual reports for the reporting period ending December 31, 2004, in a timely manner; and failure to record pressure drop readings from its baghouses on fifty separate occasions, as required by its permit.

Action: The Respondent has agreed to henceforth submit to the Department a TVACC as required by the Department; henceforth submit to the Department semiannual reports in accordance with the terms and conditions listed in its Title V Operating Permit; henceforth record and maintain records of daily pressure drop readings on each of its baghouses; and pay a civil penalty in the amount of eight thousand dollars (**\$8,000.00**). The penalty has been paid.

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| 39) | <u>Order Type and Number:</u> | Consent Order 06-063-A |
| | <u>Order Date:</u> | September 28, 2006 |
| | <u>Respondent:</u> | NICCA USA, Inc. |
| | <u>Facility:</u> | NICCA USA, Inc. |
| | <u>Location/Mailing Address:</u> | 1044 S. Nelson Rd Fountain Inn, SC 29644 |
| | <u>County:</u> | Laurens |
| | <u>Previous Orders:</u> | None |
| | <u>Permit/ID Number:</u> | 1520-0050 |
| | <u>Violations Cited:</u> | S.C. Code Ann. § 48-1-110(d) |

Summary: NICCA USA, Inc. (Respondent) manufactures textile chemicals and industrial organic chemicals using a batch process. The Department issued Conditional Major Air Quality Operating Permit CM-1520-0050 ("permit") to the Respondent, effective April 1, 2005. The Respondent has violated the permit for failure to conduct a performance test on its sieve tray scrubber no later than 180 days of the effective date of the permit. The Respondent conducted a Department-approved performance test on the scrubber on April 20, 2006, which indicated compliance with permitted emissions limits.

Action: The Respondent has agreed to: henceforth comply with the source testing schedule required by its permit; and pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**).

40) Order Type and Number: Consent Order 06-064-A
Order Date: September 28, 2006
Respondent: **Mr. Ervin Alford d/b/a Alford and Company Tree Service**
Facility: Alford and Company Tree Service
Location/Mailing Address: 1866 Hwy 45
Loris, SC 29569
County: Charleston
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: U.S. EPA Regulation 40 CFR 61,
National Emission Standards For Hazardous Air Pollutants, Subpart M;
South Carolina Air Pollution Control Regulation 61-86.1, Standards of
Performance for Asbestos Projects; and South Carolina Air Pollution
Control Regulation 61-62.1, Prohibition of Open Burning

Summary: Mr. Ervin Alford d/b/a Alford and Company Tree Service (Respondent), located in Loris, South Carolina, owns and operates a tree service company. The Respondent has violated the U.S. EPA Regulations and State Air Pollution Regulations as follows: failure to conduct an asbestos survey prior to commencing demolition at a regulated facility, failure to submit a written notification of intent to demolish at least 10 working days in advance of the demolition, failure to obtain an asbestos project license and pay all applicable fees at least 10 working days in advance of the demolition, failure to dispose of demolition debris at a landfill approved or permitted to accept the waste, and burning materials prohibited by the regulation.

Action: The Respondent has agreed to: ensure that an asbestos survey is performed prior to beginning renovation or demolition, provide proper notification, obtain licenses, pay fees, dispose of demolition debris at a landfill approved or permitted to accept the waste, conduct all open burning in accordance with State regulations, and pay a civil penalty in the amount of five thousand dollars **(\$5,000.00)**. The penalty has been paid.

41) Order Type and Number: Consent Order 06-065-A
Order Date: September 28, 2006
Respondent: **Champion Laboratories, Inc.**
Facility: Champion Laboratories, Inc.
Location/Mailing Address: 200 Ratchford Rd
York, SC 29745
County: York
Previous Orders: 03-025-A (\$18,000)
Permit/ID Number: 2440-0096

Violations Cited: Consent Order 03 -025-A, S.C. Code Ann. § 48-1-110(d), and South Carolina Air Pollution Control Regulation 61-62.70.6(c)

Summary: Champion Laboratories, Inc. (Respondent), manufactures oil filters for use in the automobile industry. The Respondent violated Federal and State regulations, State statutes, and a Consent Order as follows: failed to submit three semiannual visual inspection reports within the required time frame; and failed to submit a complete and accurate Title V Annual Compliance Certification (TVACC).

Action: The Respondent has agreed to: submit TVACCs that accurately reflect the compliance status of the facility during the reporting period; submit timely periodic reports; include a truth and accuracy statement in application forms, reports, and compliance certifications; and pay a civil penalty in the amount of twelve thousand seven hundred-fifty dollars (**\$12,750.00**).

42) Order Type and Number: Consent Order 06-066-A
Order Date: September 28, 2006
Respondent: **McCall Farms, Inc.**
Facility: McCall Farms, Inc.
Location/Mailing Address: 6615 S. Irby St.
Effingham, SC 29541
County: Florence
Previous Orders: 04-065-A (\$5,000); 03-022-W (\$16,550); 05-062-W (\$16K)
Permit/ID Number: CM-1040-0070
Violations Cited: S.C. Code Ann. § 48-1-330, S.C. Code Ann. § 48-1-110(d) and Consent Order 04-065-A

Summary: McCall Farms, Inc. (Respondent) located in Effingham, South Carolina, is a vegetable canning facility. The Respondent has violated its Conditional Major Operating Permit and Consent Order 04-065-A, in that it failed to submit quarterly reports for the reporting periods ending December 31, 2005, and March 30, 2006.

Action: The Respondent has agreed henceforth to submit quarterly fuel usage reports by January 30th, April 30th, July 30th, and October 30th of each year or as approved by the Department. In addition the Respondent has agreed to pay a civil penalty in the amount of six thousand five hundred dollars (**\$6,500.00**).

43) Order Type and Number: Consent Order 06-067-A
Order Date: September 28, 2006
Respondent: **Clariant LSM America, Inc.**

Facility: Clariant LSM America, Inc.
Location/Mailing Address: 2114 Larry Jeffers Rd
Elgin, SC 29045
County: Kershaw
Previous Orders: 05-105-W (\$1400); 02-154-W (\$7K)
Permit/ID Number: TV-1380-0017
Violations Cited: S.C. Code Ann. § 48-1-330, S.C.
Code Ann. § 48-1-110(d), and South Carolina Air Pollution Control
Regulation 61-62.1, Section II, Permit Requirements

Summary: Clariant LSM America, Inc. (Respondent) located in Elgin, South Carolina, is a batch producer of specialty chemicals including organic chemicals, pharmaceutical intermediates (flavor enhancers), herbicides, and pesticides. The Respondent has violated South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements and its Title V Operating Permit in that it failed to: obtain a Department issued exemption prior to installing an 8,000-gallon storage tank; and obtain a Department-issued construction permit prior to modifying the wastewater treatment process.

Action: The Respondent has agreed henceforth to request and obtain the required Department-issued permits or exemptions prior to constructing, adding, or altering a source of air contaminants. In addition the Respondent has agreed to pay a civil penalty in the amount of six thousand dollars **(\$6,000.00)**.